

STATE OF ARIZONA OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

Douglas A. Ducey Governor

April 17, 2018

The Honorable Michele Reagan Secretary of State 1700 W. Washington, 7th Floor Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 17, 2018:

- HB 2040 pharmacy board; definitions; reporting (Carter)
- HB 2041 pharmacy board; licenses; permits (Carter)
- HB 2065 public meetings; definition; penalties (Leach)
- HB 2125 task force; towing safety (Shope)
- HB 2126 government property; abatement; slum; blight (Leach)
- HB 2249 protective orders; filing requirements (Farnsworth, E.)
- HB 2250 physician assistants; prescribing authority; delegation (Carter)
- HB 2257 radiation regulatory boards; repeal; DHS (Carter)
- HB 2262 condominiums; termination; appraisals (Toma)
- HB 2306 towing companies; insurance companies; owners (Campbell)
- HB 2313 sentencing; monetary obligations; fine mitigation (Farnsworth, E.)
- HB 2322 health insurers; provider credentialing (Carter)
- HB 2327 federal officers; personal information; confidentiality (Farnsworth, E.)
- HB 2334 liquor omnibus (Weninger)
- HB 2411 health professionals; licensure; report (Mosley)
- HB 2521 vehicle size, weight and load (John)
- HB 2549 controlled substances; dosage limit (Carter)
- HB 2550 contractor qualifications; work experience (Toma)
- HB 2558 drug disposal; education (Cobb)
- HB 2588 misrepresentation; service animals (Cook)

HB 2604 limited liability company act; revisions

SB 1065 commercial vehicles; ports of entry (Brophy McGee)

SB 1120 tax exemption; special events; nonprofits (Kavanagh)

SB 1152 education; appropriation; noncustodial federal monies (Allen, S.)

SB 1218 developmental homes; licensure; investigations (Brophy McGee)

SB 1264 gift cards; dormancy fee; prohibition (Yarbrough)

SB 1274 public monies; recovery; illegal payments (Petersen)

SB 1291 schools; pupil assessment data (Brophy McGee)

SB 1295 producer fees; insurance (Kavanagh)

SB 1400 aggravated DUI; sentence; county jail (Smith)

SB 1450 independent oversight committees; appointment; duties (Barto)

Sincerely,

Douglas A. Ducey

Governor

State of Arizona

cc: Senate Secretary

Chief Clerk of the House of Representatives

Arizona News Service

Conference Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona House of Representatives Fifty-third Legislature Second Regular Session 2018

CHAPTER 247 HOUSE BILL 2604

AN ACT

AMENDING TITLE 16, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 16-204.01 AND 16-204.02; AMENDING SECTIONS 16-205, 16-542 AND 16-646, ARIZONA REVISED STATUTES; RELATING TO ELECTION DATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 16, chapter 2, article 1, Arizona Revised Statutes, is amended by adding sections 16-204.01 and 16-204.02, to read:

16-204.01. <u>Declaration of statewide concern; city, charter city or town; political subdivision consolidated election dates; voter turnout; definitions</u>

- A. AFTER CONSIDERATION OF THE COURT'S OPINION IN CITY OF TUCSON v. STATE, 235 ARIZ. 434 (CT. APP. 2014), THE LEGISLATURE FINDS AND DETERMINES THAT IT IS A MATTER OF STATEWIDE CONCERN TO INCREASE VOTER PARTICIPATION IN ELECTIONS, INCLUDING ELECTIONS FOR CITIES, INCLUDING CHARTER CITIES, TOWNS AND OTHER POLITICAL SUBDIVISIONS, AND THE LEGISLATURE FINDS AND DECLARES THAT IF CITIES, INCLUDING CHARTER CITIES, TOWNS AND OTHER POLITICAL SUBDIVISIONS DEMONSTRATE LOW VOTER TURNOUT IN ELECTIONS THAT ARE NOT HELD ON THE CONSOLIDATED ELECTION DATES PRESCRIBED IN SECTION 16-204, THE LOW VOTER TURNOUT CONSTITUTES SUFFICIENT FACTUAL SUPPORT FOR REQUIRING CANDIDATE AND OTHER ELECTIONS TO BE HELD ON CERTAIN SPECIFIC CONSOLIDATED DATES. THE LEGISLATURE FURTHER FINDS AND DECLARES THAT AFTER EVIDENCE OF LOW VOTER TURNOUT IN CITY. INCLUDING CHARTER CITY. AND TOWN ELECTIONS AND IN ELECTIONS HELD FOR OTHER POLITICAL SUBDIVISIONS, INCREASING VOTER TURNOUT THROUGH THE USE OF CONSOLIDATED ELECTION DATES FOR CANDIDATE AND OTHER ELECTIONS AS PRESCRIBED BY THIS SECTION IS A MATTER OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.
- B. A POLITICAL SUBDIVISION SHALL HOLD ITS ELECTIONS ON A STATEWIDE ELECTION DATE IF ITS PREVIOUS ELECTIONS ON A NONSTATEWIDE ELECTION DATE RESULTED IN A SIGNIFICANT DECREASE IN VOTER TURNOUT IN THAT POLITICAL SUBDIVISION.
- C. BEGINNING WITH ELECTIONS IN 2018, FOR EACH POLITICAL SUBDIVISION'S ELECTIONS, OTHER THAN SPECIAL ELECTIONS OR RECALL ELECTIONS, IF A SIGNIFICANT DECREASE IN VOTER TURNOUT OCCURS AS PRESCRIBED IN SUBSECTION B OF THIS SECTION, THE POLITICAL SUBDIVISION SHALL HOLD ITS SUBSEQUENT ELECTIONS ON THE STATEWIDE ELECTION DATES BEGINNING THREE CALENDAR YEARS AFTER THE OCCURRENCE OF THE SIGNIFICANT DECREASE IN VOTER TURNOUT.
 - D. FOR THE PURPOSES OF THIS SECTION:
- 1. "POLITICAL SUBDIVISION" MEANS ANY GOVERNMENTAL ENTITY OPERATING UNDER THE AUTHORITY OF THIS STATE AND GOVERNED BY AN ELECTED BODY, INCLUDING A CITY, CHARTER CITY, TOWN, COUNTY, SCHOOL DISTRICT, COMMUNITY COLLEGE DISTRICT OR OTHER DISTRICT ORGANIZED UNDER STATE LAW. POLITICAL SUBDIVISION DOES NOT INCLUDE A SPECIAL TAXING DISTRICT.
- 2. "SIGNIFICANT DECREASE IN VOTER TURNOUT" MEANS THE VOTER TURNOUT FOR THE OFFICE THAT RECEIVED THE HIGHEST NUMBER OF VOTES IN THE MOST RECENT CANDIDATE ELECTION FOR A POLITICAL SUBDIVISION IN WHICH CANDIDATES ARE ELECTED AT LARGE, OR PORTION OF A POLITICAL SUBDIVISION IF CANDIDATES ARE NOT ELECTED AT LARGE, IS AT LEAST TWENTY-FIVE PERCENT LESS THAN THE

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 VOTER TURNOUT IN THAT SAME POLITICAL SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION FOR THE MOST RECENT ELECTION IN WHICH THE OFFICE OF THE GOVERNOR APPEARED ON THE BALLOT.

- 3. "STATEWIDE ELECTION DATE" MEANS THE DATE OF THE REGULAR STATEWIDE PRIMARY ELECTION AND THE REGULAR STATEWIDE GENERAL ELECTION.
- 4. "VOTER TURNOUT" MEANS THE NUMBER OF BALLOTS CAST IN A SPECIFIC CANDIDATE RACE PRESCRIBED BY THIS SECTION DIVIDED BY THE TOTAL NUMBER OF ACTIVE REGISTERED VOTERS IN THAT POLITICAL SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION, AS APPLICABLE, OR IF NO SPECIFIC CANDIDATE RACE IS PRESCRIBED BY THIS SECTION, THE NUMBER OF BALLOTS CAST IN THAT POLITICAL SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION, AS APPLICABLE, DIVIDED BY THE TOTAL NUMBER OF ACTIVE REGISTERED VOTERS IN THAT POLITICAL SUBDIVISION OR PORTION OF A POLITICAL SUBDIVISION AT THE ELECTION PRESCRIBED BY THIS SECTION.

16-204.02. <u>Implementation of consolidated elections; term of office; alternative expenditure limitation</u>

- A. NOTWITHSTANDING ANY OTHER LAW, IN ORDER TO COMPLY WITH THE CONSOLIDATION OF ELECTION DATES IF REQUIRED UNDER SECTION 16-204.01 OR BY VOLUNTARY ACTION OF THE POLITICAL SUBDIVISION, THE TERMS OF OFFICE FOR ELECTED OFFICIALS OF THE POLITICAL SUBDIVISION SHALL BE LENGTHENED AT THE TIME OF CONSOLIDATION TO ALIGN WITH THE CONSOLIDATED ELECTION DATES.
- B. FOR ANY POLITICAL SUBDIVISION WHOSE ALTERNATIVE EXPENDITURE LIMITATION IS SCHEDULED TO EXPIRE AT ANY TIME AFTER THE YEAR IN WHICH THE POLITICAL SUBDIVISION IS REQUIRED TO COMPLY WITH THE ELECTION CONSOLIDATION REQUIREMENTS OF SECTION 16-204.01, SUBSECTION B, OR VOLUNTARILY CONSOLIDATES ITS ELECTIONS, THE POLITICAL SUBDIVISION'S EXISTING VOTER-APPROVED ALTERNATIVE EXPENDITURE LIMITATION SHALL CONTINUE AS ESTABLISHED BEFORE ITS EXPIRATION AND THE PENALTIES PRESCRIBED BY SECTION 41-1279.07 DO NOT APPLY IF THE POLITICAL SUBDIVISION SEEKS VOTER APPROVAL OF AN ALTERNATIVE EXPENDITURE LIMITATION AT THE NEXT ELIGIBLE REGULAR ELECTION FOLLOWING CONSOLIDATION.
- Sec. 2. Section 16-205, Arizona Revised Statutes, is amended to read:

16-205. Election dates: notice: administration

- A. At least one hundred eighty days before each consolidated election date prescribed by section 16-204, each county board of supervisors shall give notice in writing regarding the consolidated election program to each school district, community college district, city, town and special taxing district organized pursuant to title 48, chapters 5, 6, 8, 10, and 13, through 14, 15 AND 16 in that county. The notice shall state the date of the election.
- B. The board of supervisors may hold elections only on the dates prescribed by section 16-204.
- C. The secretary of state shall coordinate the consolidated elections with the board of supervisors. The board of supervisors may

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enter into an intergovernmental agreement pursuant to title 11, chapter 7, article 3 with each political subdivision that participates in a consolidated election in that county in order to administer those elections. After consultation with the political subdivisions that are participating in a consolidated election, the officer in charge of elections shall administer the appointment of election boards.

- D. Within ninety days of AFTER a consolidated election conducted pursuant to this section, the board of supervisors shall prepare a report that provides an itemized account of all costs incurred by the county in administering the election, including an itemized account of all charges made to each political subdivision that participated in that election. Political subdivisions that participated in an election conducted pursuant to this section may request and receive a copy of this report from the board.
- E. THE BOARD OF SUPERVISORS SHALL REQUIRE THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS TO CALCULATE VOTER TURNOUT FOR CANDIDATE RACES AS PRESCRIBED BY SECTION 16-204.01, SHALL DETERMINE WHETHER SECTION 16-204.01 REQUIRES A POLITICAL SUBDIVISION TO CONSOLIDATE ITS ELECTION DATES AND SHALL ANNOUNCE ITS DETERMINATION AND THE IMPLEMENTATION DATE FOR CONSOLIDATION AT A PUBLIC MEETING HELD NOT MORE THAN NINETY DAYS AFTER ISSUANCE OF THE OFFICIAL COUNTY CANVASS FOR AN ELECTION. AFTER THE IMPLEMENTATION DATE, THE BOARD OF SUPERVISORS MAY NOT CALL, AUTHORIZE THE CALL FOR OR AUTHORIZE THE COUNTY TO ADMINISTER AN ELECTION FOR THAT POLITICAL SUBDIVISION EXCEPT AS PRESCRIBED BY SECTION 16-204.01.
- Sec. 3. Section 16-542, Arizona Revised Statutes, is amended to read:

16-542. Request for ballot; civil penalties; violation; classification

Within ninety-three days before any election called pursuant to the laws of this state, an elector may make a verbal or signed request to the county recorder, or other officer in charge of elections for the applicable political subdivision of this state in whose jurisdiction the elector is registered to vote, for an official early ballot. In addition to name and address, the requesting elector shall provide the date of birth and state or country of birth or other information that if compared to the voter registration information on file would confirm the identity of the elector. If the request indicates that the elector needs a primary election ballot and a general election ballot, the county recorder or other officer in charge of elections shall honor the request. partisan primary election, if the elector is not registered as a member of a political party that is entitled to continued representation on the ballot pursuant to section 16-804, the elector shall designate the ballot of only one of the political parties that is entitled to continued representation on the ballot and the elector may receive and vote the

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ballot of only that one political party, WHICH ALSO SHALL INCLUDE ANY NONPARTISAN OFFICES AND BALLOT QUESTIONS, OR THE ELECTOR SHALL DESIGNATE THE BALLOT FOR NONPARTISAN OFFICES AND BALLOT QUESTIONS ONLY AND THE ELECTOR MAY RECEIVE AND VOTE THE BALLOT THAT CONTAINS ONLY NONPARTISAN OFFICES AND BALLOT QUESTIONS. THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL PROCESS ANY REQUEST FOR AN EARLY BALLOT FOR A MUNICIPAL ELECTION PURSUANT TO THIS SUBSECTION. The county recorder may establish on-site early voting locations at the recorder's office, which shall be open and available for use beginning the same day that a county begins to send out the early ballots. The county recorder may also establish any other early voting locations in the county the recorder deems necessary.

- B. Notwithstanding subsection A of this section, a request for an official early ballot from an absent uniformed services voter or overseas voter as defined in the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410; 52 United States Code section 20310) or a voter whose information is protected pursuant to section 16-153 that is received by the county recorder or other officer in charge of elections more than ninety-three days before the election is valid. If requested by the absent uniformed services or overseas voter, or a voter whose information is protected pursuant to section 16-153, the county recorder or other officer in charge of elections shall provide to the requesting voter early ballot materials through the next regularly scheduled general election for federal office immediately following receipt of the request unless a different period of time, which does not exceed the next two regularly scheduled general elections for federal office, is designated by the voter.
- C. The county recorder or other officer in charge of elections shall mail the early ballot and the envelope for its return postage prepaid to the address provided by the requesting elector within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545, except that early ballot distribution shall not begin more than twenty-seven days before the election. If an early ballot request is received on or before the thirty-first day before the election, the early ballot shall be distributed not earlier than the twenty-seventh day before the election and not later than the twenty-fourth day before the election.
- D. Only the elector may be in possession of that elector's unvoted early ballot. If a complete and correct request is made by the elector within twenty-seven days before the election, the mailing must be made within forty-eight hours after receipt of the request. Saturdays, Sundays and other legal holidays are excluded from the computation of the forty-eight hour period prescribed by this subsection. If a complete and correct request is made by an absent uniformed services voter or an overseas voter before the election, the regular early ballot shall be

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transmitted by mail, by fax or by other electronic format approved by the secretary of state within twenty-four hours after the early ballots are delivered pursuant to section 16-545, subsection B, excluding Sundays.

- E. In order to be complete and correct and to receive an early ballot by mail, an elector's request that an early ballot be mailed to the elector's residence or temporary address must include all of the information prescribed by subsection A of this section and must be received by the county recorder or other officer in charge of elections no later than 5:00 p.m. on the eleventh day preceding the election. An elector who appears personally no later than 5:00 p.m. on the Friday preceding the election at an on-site early voting location that is established by the county recorder or other officer in charge of elections shall be given a ballot and permitted to vote at the on-site location. If an elector's request to receive an early ballot is not complete and correct but complies with all other requirements of this section, the county recorder or other officer in charge of elections shall attempt to notify the elector of the deficiency of the request.
- F. Unless an elector specifies that the address to which an early ballot is to be sent is a temporary address, the recorder may use the information from an early ballot request form to update voter registration records.
- G. The county recorder or other officer in charge of early balloting shall provide an alphabetized list of all voters in the precinct who have requested and have been sent an early ballot to the election board of the precinct in which the voter is registered not later than the day before the election.
- H. As a result of an emergency occurring between 5:00 p.m. on the second Friday preceding the election and 5:00 p.m. on the Monday preceding the election, qualified electors may request to vote early in the manner prescribed by the county recorder of their respective county. For the purposes of this subsection, "emergency" means any unforeseen circumstances that would prevent the elector from voting at the polls.
- I. A candidate, political committee or other organization may distribute early ballot request forms to voters. If the early ballot request forms include a printed address for return, the addressee shall be the political subdivision that will conduct the election. Failure to use the political subdivision as the return addressee is punishable by a civil penalty of up to three times the cost of the production and distribution of the request.
- J. All original and completed early ballot request forms that are received by a candidate, political committee or other organization shall be submitted within six business days after receipt by a candidate, political committee or other organization or eleven days before the election day, whichever is earlier, to the political subdivision that will conduct the election. Any person, political committee or other

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organization that fails to submit a completed early ballot request form within the prescribed time is subject to a civil penalty of up to twenty-five dollars per day for each completed form withheld from submittal. Any person who knowingly fails to submit a completed early ballot request form before the submission deadline for the election immediately following the completion of the form is guilty of a class 6 felony.

Sec. 4. Section 16-646, Arizona Revised Statutes, is amended to read:

16-646. Statement, contents and mailing of official canvass

- A. When the result of the canvass is determined, a statement, known and designated as the official canvass, shall be entered on the official record of the election district which THAT shall show:
 - 1. The number of ballots cast in each precinct and in the county.
- 2. The number of ballots rejected in each precinct and in the county.
- 3. The titles of the offices voted for and the names of the persons, together with the party designation, if any, of each person voted for to fill the offices.
- 4. The number of votes by precincts and county received by each candidate.
- 5. FOR EACH CANDIDATE RACE IN EACH POLITICAL SUBDIVISION PRESCRIBED BY SECTION 16-204.01, THE NUMBER OF BALLOTS CAST AND THE NUMBER OF ACTIVE REGISTERED VOTERS IN EACH POLITICAL SUBDIVISION AND PORTION OF A POLITICAL SUBDIVISION FOR WHICH A CANDIDATE MAY BE ELECTED.
- 5. 6. The numbers and a brief title of each proposed constitutional amendment and each initiated or referred measure voted $\frac{1}{4}$ 0N.
- 6. 7. The number of votes by precincts and county for and against such proposed amendment or measure.
- B. The certified permanent copy of the official canvass for all offices and ballot measures, except offices and ballot measures in a city or town election and nonpartisan election returns, shall be mailed immediately to the secretary of state who shall maintain and preserve them IT as a permanent public record.
- C. The board of supervisors shall deliver a copy of the official canvass for all offices and ballot measures in the primary and general elections to the secretary of state in a uniform electronic computer media format that shall be agreed upon ON between the secretary of state and all county election officials. The uniform format shall be designed to facilitate the computer analysis of election results for offices and ballot measures that are statewide or are common to more than one county.
- D. The certified permanent copy of the official canvass for all offices and ballot measures in a city or town election shall be filed with the appropriate city or town clerk, or in a special district election with

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3 4 the clerk of the board of supervisors, who shall maintain and preserve them IT as a permanent public record.

Sec. 5. <u>Severability</u>

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

APPROVED BY THE GOVERNOR APRIL 17, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018

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Passed the House March 7, 2	20 <u>/8</u> Passed the Senate <u>Cpil 9</u> , 20 <u>18</u>
by the following vote: 34	Ayes, by the following vote: Ayes,
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HOUSE FINAL PASSAGE as per Joint Conference	SENATE FINAL PASSAGE as per Joint Conference
Passed the House April 12, 20 18	Passed the Senate Pil 12, 20 18
by the following vote: Ayes,	by the following vote:Ayes,
Not Voting	Nays, Not Voting
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